**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
**CRIMINAL APPLICATION NO.6721 OF 2005**

Prakash Shrinivas Hebbar & Anr. ...Applicants
Vs.
The State of Maharashtra ...Respondent

Mr. S.V. Kotwal i/by Mr. M.S.Mohite for the Applicants.
Ms Rajeshree Gadhvi, A.P.P. for the Respondent.

**CORAM : A. S. OKA, J.**
**DATE : OCTOBER 11, 2005.**

**P.C.:**

1. Heard the learned Advocate appearing for the Applicant, the learned A.P.P. for the State and the learned Advocate appearing for the original complainant Shri Anant Dilip Pandit. The Applicant No.1 lodged the F.I.R. against the said original complainant alleging commission of offence under sections 324, 323, 504, 506(2) and 34 of the Indian Penal Code. The Applicants are seeking Anticipatory Bail in connection with an offence registered by F.I.R. lodged by the Said Complainant Anant Dilip Pandit. The instances which are mentioned in both the F.I.Rs have allegedly taken place approximately at the same time and at the same place. From the material which is on record, it appears that the Applicants as well as the complainant suffered different injuries. In connection with F.I.R. filed by the the Applicant No.1, the first informant Shri Anant Pandit in the

present case has been ordered to be enlarged on bail. The offence registered against the Applicants is under sections 326, 323, 506(2) read with section 34 of the Indian Penal Code. Perusal of the cross-complaints show that there appears to be a fight between the parties in the office of the Applicants. The allegation of both the parties against each other is as reagrds the assault by the same instrument. In the F.I.R. filed by the Applicant No.1 sections 324 and 323 of the Indian Penal Code have been applied. In the F.I.R filed by the said Anant Pandit section 326 and 324 have been applied.

2. On this background it is apparent that undue harrasment will be caused to the Applicants if they are not granted pre-arrest bail.

3. Hence, I pass the following order:

: O R D E R :

i) In the event of the arrest of the Applicans in connection with C.R.No.266 of 2005 registered with Vishrambaug Police Station, the Applicants shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- each with one or two sureties in

the like amount.

ii) The Bail is granted subject to condition that the Applicants will attend the concerned Police Station on every Saturday between 04.00 p.m. to 06.00 p.m. till the filing of the chargesheet and will co-operate for investigation.

iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicants only till chargesheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

**JUDGE**